

FORTY-EIGHTH DAY

(Thursday, April 6, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

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|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Gonzalez | Reagan |
| Hardeman | Roberts |
| Hazlewood | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

| | |
|--------|---------|
| Dies | Ratliff |
| Fuller | |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, while our voices are hushed, hear the unspoken prayer of our hearts, and make us aware of our need of Thee. May we see our responsibilities as opportunities for service, and know that without Thee we can do nothing, but with Thee all things are possible. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Dies was granted leave of absence for today on account of important business on motion of Senator Krueger.

Report of Standing Committee

Senator Hardeman submitted the following report:

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 42, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Bill 430 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

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|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Gonzalez | Reagan |
| Hardeman | Roberts |
| Hazlewood | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

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|--------|---------|
| Dies | Ratliff |
| Fuller | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 430, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended,

which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 14 of said Article; exempting from consideration in determining need earned income of recipients of aid to the blind within limitations and restrictions as herein provided; providing a repealing clause; a saving clause; and declaring an emergency."

To the Committee on Finance.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 290, A bill to be entitled "An Act appropriating revenues accruing to Veterans Land Board Special Fund, No. 52, and any balance on hand in such fund to the General Land Office; and declaring an emergency."

S. C. R. No. 38, Extending invitation to the Honorable Ralph Yarborough to address a Joint Session of the Legislature on April 6, 1961.

H. C. R. No. 59, Inviting the International Good Neighbor Council to hold opening session at a Joint Session of the Legislature on Tuesday, April 11, 1961, at 11:00 o'clock a.m.

H. C. R. No. 20, Authorizing the Board for Texas State Hospitals and Special Schools to enter into negotiations with the City of Big Spring for a new contract to cover increased demands for water for the Big Spring State Hospital.

H. J. R. No. 46, Proposing an amendment to the Constitution of Texas by adding to Article III a new section to be known as Section 49-d authorizing the Texas Water Development Board to acquire and develop storage facilities in reservoirs and to dispose of such storage facilities and water upon such terms as the Legislature shall prescribe; providing for the use of funds received from the disposition of acquired storage and water; providing that any enabling Acts shall not be invalid because of their anticipatory character; prescribing the form of ballot and providing for the necessary proclamation and publication.

H. B. No. 56, Amending Chapter 243, passed at the Regular Session of the Fifty-third Legislature in 1953,

as heretofore amended by Chapter 196, passed at the Regular Session of the Fifty-fourth Legislature in 1955, and by Chapter 204, passed at the Regular Session of the Fifty-fifth Legislature in 1957, all relating to the Canadian River Municipal Water Authority; etc.; and declaring an emergency."

H. B. No. 970, A bill to be entitled "An Act validating (a) Neches County Water Control and Improvement District Number 4 (b) the present boundaries of the District (c) the organization of its Board of Directors and all governmental acts and proceedings heretofore accomplished (d) the outstanding bonds of the District and the levy and collection of taxes and the fixing of water rates and charges in support thereof; etc.; and declaring an emergency."

Senate Bill 431 on First Reading

Senator Rogers moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

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|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Gonzalez | Reagan |
| Hardeman | Roberts |
| Hazlewood | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

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|--------|---------|
| Dies | Ratliff |
| Fuller | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Rogers:

S. B. No. 431, A bill to be entitled "An Act regulating the possession, transportation, and sale of live coypu (nutria) and providing for the grant-

ing of permits by the Game and Fish Commission for such possession, transportation, or sale; providing penalties; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 432 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

| | |
|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Gonzalez | Reagan |
| Hardeman | Roberts |
| Hazlewood | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

| | |
|--------|---------|
| Dies | Ratliff |
| Fuller | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 432, A bill to be entitled "An Act amending Article 342-104 of the Texas Banking Code of 1943, same being Acts of the Forty-eighth Legislature, Chapter 97, by changing the qualifications of certain members of the Finance Commission; and declaring an emergency."

To the Committee on Banking.

Senate Bill 384 Re-referred

On motion of Senator Willis and by unanimous consent S. B. No. 384 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Committee to Escort Honorable Ralph Yarborough to Joint Session

The President announced the appointment of the following committee pursuant to the provisions of S. C. R. No. 38 to escort the Honorable Ralph Yarborough to the Joint Session.

Senators Willis, Hardeman, Kazen, Secrest and Rogers.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 384, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that Committee Substitute for S. B. No. 384 attached hereto do pass and be printed.

AIKIN, Chairman.

C. S. S. B. No. 384 was read the first time.

Senator Calhoun by unanimous consent submitted the following report:

Austin, Texas,
April 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred S. B. No. 345, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CALHOUN, Chairman.

Austin, Texas,
April 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred S. B. No. 347, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CALHOUN, Chairman.

Austin, Texas,
April 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred, S. B. No. 367, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CALHOUN, Chairman.

Austin, Texas,
April 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred S. B. No. 346, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

CALHOUN, Chairman.

C. S. S. B. No. 346 was read the first time.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 260, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Concurrent Resolution 70 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 70, Instructing the Chief Clerk of the House to return H. B. No. 396 to the Senate for further consideration.

The resolution was read and was adopted.

Senate Bill 313 with House Amendments

Senator Roberts called S. B. No. 313 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Roberts moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

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|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Gonzalez | Reagan |
| Hardeman | Roberts |
| Hazlewood | Rogers |
| Herring | Schwartz |
| Hudson | Secrest |
| Kazen | Smith |
| Krueger | Weinert |
| Lane | Willis |

Absent—Excused

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|--------|---------|
| Dies | Ratliff |
| Fuller | |

Joint Session

(To hear address of the Honorable Ralph Yarborough.)

The President announced at 11:00 o'clock a.m. that the time had arrived pursuant to the provisions of S. C. R. No. 38 for the Joint Session to hear the address of the Honorable Ralph Yarborough.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:00 o'clock a.m.

The President was invited to occupy a seat on the Speaker's Rostrum.

The Senators were announced and

were admitted and escorted to seats prepared for them along the aisle.

The President called the Senate to order, and announced a quorum of the Senate present.

Honorable James Turman, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present.

The Honorable Ralph Yarborough, Senior Senator from Texas and party were announced by the Doorkeeper of the House.

Senator Yarborough's party was escorted to the Speaker's rostrum by Senators Willis, Hardeman, Kazen, Secrest and Dies, on the part of the Senate, and Representatives Koriath, Green, Harrington, Haynes, Hughes of Grayson, Hollowell, Jones of Travis, Lack, Lary, Markgraf, Yezak and Roberts of Hill, on the part of the House.

The Speaker of the House announced the purpose of the Joint Session and presented Representative Koriath of Grayson County. Mr. Koriath presented Senator Willis and he introduced the Honorable Ralph Yarborough, the Senior Senator from Texas to the Joint Session.

Senator Yarborough then addressed the Joint Session.

At the conclusion of the Joint Session the President announced the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:50 o'clock a.m. today.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 72, A bill to be entitled "An Act requiring persons to obtain permits to drill injection wells, or to convert existing wells into injection wells, for the disposal of industrial

and municipal waste; defining certain terms; designating the Board of Water Engineers as the permit issuing agency for all injection wells to dispose of waste other than waste arising out of the drilling for or the producing of oil or gas, designating the Railroad Commission as the permit issuing agency for all wells for the injection of waste arising out of the drilling for or the producing of oil or gas; providing for fees, notice and hearings requiring applicants for permits to file certain material and information; prescribing standards to guide the Board and Commission in granting permits; authorizing the Board or Commission to grant an application in whole or in part and in the permit require that the well be cased in such a manner as to prevent the pollution of fresh water sands and require that logs of wells be kept and furnished the permit issuing agency; requiring copies of permits issued by one agency to be furnished the other agency; authorizing each agency to adopt rules and regulations; providing penalties for violation; authorizing enforcement of rules and regulations and provisions of permits by injunction in the county when an offending well is located; and declaring an emergency."

(With Amendments.)

S. B. No. 122, A bill to be entitled "An Act amending Section 2 of Chapter 161, Acts of the 55th Legislature, Regular Session, 1957, to provide for the continuation of certain water districts completely annexed by cities where part of the territory contained therein is being used for farming, ranching and/or orchard purposes; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Roberts by unanimous consent submitted the following report:

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 343, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass as amended and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 31, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 416, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 191, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 194, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B.

No. 47, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 115, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROBERTS, Chairman.

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 296, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Senator Lane by unanimous consent submitted the following report:

Austin, Texas,
April 6, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 30, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Bill and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

H. B. No. 59, An Act amending Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (codified as Article 6675a-2 in Vernon's Texas Civil Statutes), by extending the exemption from registra-

tion of farm trailers and farm semi-trailers to include trailers and semi-trailers owned by cotton gins and grain elevators and used solely for supplying without charge, such trailers and semi-trailers to farmers to haul agricultural products from place of production to place of process, market or storage of such agricultural products; etc.; and declaring an emergency.

H. C. R. No. 16, Granting permission to Constantino Costella and Se-bena Costella to sue the State of Texas and the Texas Highway Department.

H. C. R. No. 41, Granting permission to Annie Mae Allen to sue the State of Texas and the Veterans Land Board.

H. C. R. No. 7, Granting permission to McNeil Griffin to sue the State of Texas and the State Highway Department.

H. C. R. No. 33, Granting permission to Frankie LeRoy Davis and Mary Jean Davis to sue the State of Texas and the Texas Highway Department.

Welcome Resolutions

S. R. No. 284, By Senator Secrest: Extending welcome to students and teacher of Moody Junior High School.

S. R. No. 285, By Senator Secrest: Extending welcome to Byron G. Skelton, National Democratic Committeeman from Texas.

S. R. No. 286, By Senator Schwartz: Extending welcome to students and sponsors of Island Elementary School.

S. R. No. 287, By Senator Gonzalez: Extending welcome to students of Civics Club and sponsors of Saint Phillips Parochial School.

S. R. No. 288, By Senator Herring: Extending welcome to students, teachers and sponsors of Oak Hill School of Travis County.

Adjournment

On motion of Senator Hardeman the Senate at 11:54 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, April 10, 1961.

Record of Vote

Senator Krueger asked to be re-

corded as voting "Nay" on the motion to adjourn.

FORTY-NINTH DAY

(Monday, April 10, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

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|-----------|-----------|
| Aikin | Martin |
| Baker | Moffett |
| Calhoun | Moore |
| Colson | Owen |
| Creighton | Parkhouse |
| Crump | Patman |
| Dies | Ratliff |
| Fuller | Reagan |
| Gonzalez | Roberts |
| Hardeman | Rogers |
| Hazlewood | Schwartz |
| Herring | Secrest |
| Hudson | Smith |
| Kazen | Weinert |
| Krueger | Willis |
| Lane | |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, as the coming spring rouses Nature from winter sleep, even so may Thy Spirit revive us, giving us new hope, a livelier faith; and as the beautiful sunshine enfolds the earth, so may Thy love enfold us, drawing us closer to Thee. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 6, 1961, was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 10, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 7, A bill to be entitled "An Act to define and regulate the